

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**ELIZABETH HAZEN,
INDIVIDUALLY AND AS
RESPRESENTATIVE OF KEN
HAZEN**

V.

ALLSTATE INSURANCE COMPANY

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CIVIL ACTION NO.

JURY DEMANDED

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C.
§1441(a)**

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Please take notice that, pursuant to 28 U.S.C. § 1441 and 1446, Allstate Insurance Company, Defendant herein and removes to this Court the state court action pending in the 334th Judicial District Court of Harris County, Texas invoking this Court's diversity jurisdiction, on the grounds explained below.

1. On September 12, 2016, Plaintiff filed suit in Harris County against the Defendant. The suit was assigned to the 334th Judicial District Court, Harris County, Texas, styled Cause No. 2016-61193; *Elizabeth Hazen, Individually and as Representative of Kenneth Hazen vs. Allstate Insurance Company*. Defendant was served/received notice of this suit on September 26, 2016. As required by 28 U.S.C. § 1446(b), this notice of removal is timely filed by the Defendants within thirty (30) days following receipt by Defendant of the initial pleadings.

2. Removal of this action is proper, because this Court has original diversity jurisdiction under 28 U.S.C. § 1332 and the action is one that may be removed by Defendants pursuant to 28 U.S.C. § 1441(b); specifically, this is a civil action wherein the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and the Defendant is diverse in citizenship from Plaintiff.

3. There is complete diversity among the parties as required by 28 U.S.C. § 1332(a). Plaintiff is a citizen of Texas. Defendant is not a citizen of the State of Texas. Defendant, Allstate Indemnity Company is foreign organization incorporated pursuant to the laws of the State of Illinois and does not have its principal place of business in the State of Texas. The Defendant consents to removal of this case to Federal Court.

4. The amount in controversy exceeds \$75,000.00 as required by 28 U.S.C. § 1332 (a). Plaintiff's Original Petition recites that she is seeking actual damages, statutory damages, and attorney's fees for breach of contract, violations of the Deceptive Trade Practices Act, Chapter 541 and 542 of the Texas Insurance Code, Texas Business and Commerce Code, breach of duty of good faith and fair dealing relating to the Defendant's alleged failure to properly adjust the claim for Plaintiff's alleged vandalism which purportedly resulted in loss of personal belongings. Further, Plaintiff's Petition states Plaintiff is seeking over \$200,000.00 but not more than \$1,000,000.00 for her damages. Thus, Plaintiff's Petition shows on its face, that Plaintiff's claim are in excess of \$75,000.00. *See* Plaintiff's Petition incorporated herein under Exhibit "A". *See* also Plaintiff's demand letter seeking \$137,536.32 under Exhibit "B".

5. All of the materials required are attached as Exhibit "A". A list of all Counsel of Record is attached as Exhibit "C".

6. Venue is proper in this district because the district and division embrace the place where the removal action has been pending.

7. Defendant will promptly provide written notice of the filing of this Notice of Removal to all parties and to the clerk of the 334th Judicial District Court of Harris County, Texas.

8. Defendant respectfully requests that the state court action be removed and placed on this Court's docket for further proceedings. Defendant further requests any additional relief to which it may be justly entitled.

DATE: October 17, 2016.

Respectfully submitted,

/s/ John M. Causey

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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing instrument has been delivered to all interested parties on October 17, 2016, via e-filing addressed to:

Cynthia Huerta
Schechter, McElwee, Shaffer & Harris, L.L.P.
3200 Travis, 3rd Floor
Houston, Texas 77006

/s/ John M. Causey

John M. Causey